#12/C 1638 $

PATENT

11/12/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

REBECCA E. CAHOON ET AL.

CASE NO.: BB1313 PCT

APPLICATION NO.: 09/857,896

GROUP ART UNIT: 1638

FILED: JUNE 11, 2001

EXAMINER: P. T. BUI

CONFIRMATION NO.: 2782

FOR: PLANT DISEASE RESISTANCE GENES

RESPONSE

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Response

This is in response to the Office Action dated September 27, 2002 regarding the above-identified application. Applicants respectfully request reconsideration and submit the following in support thereof.

IN THE SPECIFICATION

Please replace the following paragraphs:

Paragraph starting on page 2 at line 33:

B1

It is preferred that the isolated polynucleotide of the claimed invention consists of a nucleic acid sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37 that codes for the polypeptide selected from the group consisting of SEQ ID NOs:2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38. The present invention also relates to an isolated polynucleotide comprising a nucleotide sequence of at least 60 (preferably at least 40, most preferably at least 30) contiguous nucleotides derived from a nucleotide sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37 and the complement of such nucleotide sequences.

Paragraph starting on page 3 at line 28:

B2

The present invention relates to a method of obtaining a nucleic acid fragment encoding a substantial portion of an Mlo homolog polypeptide gene, preferably a plant Mlo homolog polypeptide gene, comprising the steps of : synthesizing an